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Applicant's Name: Robert L. Popp et al.

Serial No.: 10/038,818 Examiner: K. Reichle

Filing Date: 12/31/01 Art Unit: 3761 Confirmation No.: 9058

Application Title: MECHANICAL FASTENING SYSTEM FOR AN ABSORBENT
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KCC 4771 (K-C 17,182)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Robert L. Popp et al. Art Unit 3761
Serial No. 10/038,818
Filed December 31, 2001
Confirmation No. 9058
For MECHANICAL FASTENING SYSTEM FOR AN ABSORBENT ARTICLE
Examiner Karin M. Reichle

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June 9, 2006

REPLY BRIEF

This is a reply to the Examiner's Answer mailed April 19, 2006. Appellants' reply is being filed to respond to arguments made by the Examiner for the first time in the Examiner's Answer. Particularly, appellants take this opportunity to address some of the Examiner's comments set forth in the Response to Argument section (pages 6-8) of the Examiner's Answer.

Claim 19

In the Examiner's Answer, the Examiner cites for the first time column 13, lines 28-35 and Table II of U.S. Patent No. 5,910,136 (Hetzler) in support of her rejection of claim 19. Specifically, the Examiner contends that these passages of Hetzler teach a loop component being elastically stretchable to at least 2.0 times a relaxed length in at least one of the directions. However, these portions of Hetzler are just as unsupportive of the Examiner's position as the other portions of Hetzler previously relied on by the Examiner. There is no disclosure in Hetzler, including column 13, lines 28-35 and Table II, of a loop component comprising a loop material that is 1) extensible in two directions and 2) elastically stretchable in at least one of the two directions to 2.0 times its relaxed length as recited in claim 19.

KCC 4771 (K-C 17,182)
PATENT

Rather, Hetzler discloses that the film backing of the laminate, and only the film backing by itself, can be stretchable to more than 2.0 times its relaxed length and only during an intermediate condition of the film. In Table II, the Peak (%) MD Elongation values, which were relied on by the Examiner, are clearly indicated as being only the film of these laminate examples. See particularly the text of Hetzler provided above "Peak (%) MD Elongation" in Table II that states "FILM ONLY".

As previously mentioned by appellants during prosecution of this application¹, the invention disclosed by Hetzler is a microporous film, i.e., a film having micropores so that the film is breathable. At column 3, line 47 through column 7, line 3, Hetzler discloses the "flexible polyolefins" that can be used to initially form the film, and further discloses that the polyolefin resin may optionally include an elastomeric thermoplastic material. However, this is only an intermediate condition of the film and is clearly not the final form in which the film is used (e.g., to make a laminate). Hetzler discloses that the film must subsequently be stretched so that the film substantially thins and micropores form therein. The film is annealed to stay in this condition and no longer meets the definition of elastic as set forth in the present application. For example, as described in Example 1 (at column 13, lines 48-54) of Hetzler, the film, or laminates made from the film, are preheated, stretched, and annealed so that the film or laminate made therefrom remains in the stretched condition. That is, the film (and laminate) disclosed by Hetzler is not elastic in its final (e.g., in

¹ See, for example, Amendment F filed December 9, 2004 and Amendment C After Final filed July 12, 2004.

KCC 4771 (K-C 17,182)
PATENT

use) form. Consequently, a loop fastener constructed from such a film cannot be elastically stretchable more than 2.0 times its length.

For these additional reasons, claim 19 is patentable over Hetzler.

Conclusion

In addition to the reasons set forth in appellants' Appeal Brief, the rejections of the claims on appeal are in error for the reasons set forth above. Therefore, appellants again request that the Examiner's rejections of claims 3, 19-23, and 25 be reversed.

Appellants do not believe that any fee is due. However, the Commissioner is hereby authorized to charge any deficiency or overpayment of any fees to Deposit Account No. 19-1345.

Respectfully submitted,



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